

ORDINANCE NO. 2388

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING THE DOCUMENT ENTITLED THE "2012 AMENDMENTS TO THE CODE OF GILBERT, CHAPTER 46 PARKS AND RECREATION" AS A PUBLIC RECORD; AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 46 PARKS AND RECREATION, ARTICLE 1 IN GENERAL BY ADDING NEW SECTION 46-1 DEFINITIONS AND AMENDING SECTION 46-1 RESERVATION PERMIT; ISSUING AUTHORITY, SECTION 46-2 POSTED TIME LIMITS, SECTION 46-3 INTERFERENCE WITH RESERVED USE AND RENUMBERING TO CONFORM; AMENDING ARTICLE II PARKS AND RECREATION FACILITY RULES BY AMENDING SECTION 46-31 HOURS, SECTION 46-32 CLOSED AREAS, SECTION 46-33 DAMAGING PROPERTY; TAMPERING WITH FACILITIES; SECTION 46-34 TRESPASS, SECTION 46-35 UNREASONABLE NOISE, SECTION 46-36 GOLFING, SECTION 46-37 GLASS CONTAINERS, SECTION 46-38 CONSUMPTION OF ALCOHOLIC BEVERAGES, SECTION 46-39 DRIVING OR RIDING VEHICLES AND ANIMALS; PARKING, SECTION 46-40 NONMOTORIZED VEHICLES; ROLLER SKATES; SKATEBOARDS; ROLLER BLADES, SECTION 46-41 SALE OF GOODS (CONCESSIONS), SECTION 46-42 ANIMALS, SECTION 46-43 PROHIBITED ACTIVITIES, SECTION 46-44 REGULATIONS FOR ALLOWABLE MODEL ROCKETRY, SECTION 46-45 VIOLATIONS, SECTION 46-46 ENFORCEMENT BY PARK RANGERS, SECTION 46-49 TEMPORARY SUSPENSION FROM USE, SECTION 46-50 NOTICE OF VIOLATION AND SUSPENSION, SECTION 46-52 APPEAL, AND BY ADDING NEW SECTION 46-45 GEOCACHING, SECTION 46-46 PROTECTION OF ANIMALS AND WILDLIFE, AND SECTION 46-47 ABUSIVE LANGUAGE OR DISRUPTIVE BEHAVIOR, RENUMBERING TO CONFORM; ALL RELATED TO THE TOWN RECREATION FACILITIES AND RULES RELATED THERETO AND TO ADMINISTRATION OF RESERVATION PERMITS FOR RECREATION FACILITIES AND RIPARIAN PRESERVES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The certain document known as the “2012 Amendments to the Code of Gilbert, Chapter 46 Parks and Recreation”, three copies of which shall remain on file in the office of the Town Clerk, is hereby declared to be public record.

The Code of Gilbert shall be amended by adopting the amendments set forth in that public record entitled the “2012 Amendments to the Code of Gilbert, Chapter 46 Parks And Recreation”, which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Civil Sanctions.

Any person found responsible for violating this section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code.

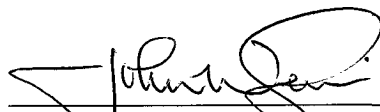
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of September 2012, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Sentz _____

NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None

APPROVED this 6th day of September 2012.



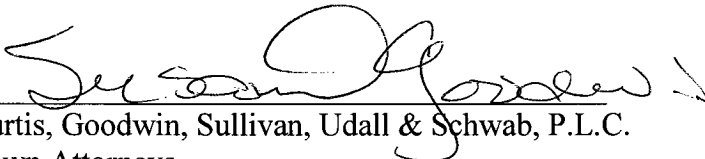
John W. Lewis, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2388 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF SEPTEMBER 2012, WAS POSTED IN FOUR PLACES ON THE 13 DAY OF September, 2012.


Catherine A. Templeton, Town Clerk

2012 AMENDMENTS TO THE CODE OF GILBERT CHAPTER 46 PARKS AND RECREATION

SEC/ 46-1. DEFINITIONS

GEOCACHING IS AN OUTDOOR ACTIVITY IN WHICH PARTICIPANTS USE A GLOBAL POSITIONING SYSTEM (GPS) RECEIVER OR OTHER NAVIGATIONAL TECHNIQUES TO HIDE-AND-SEEK CONTAINERS (CALLED "GEOCACHES" OR "CACHES") ANYWHERE IN THE WORD. GAME OF HIGH-TECH HIDE-AND-SEEK SHARING MANY ASPECTS WITH BENCHMARKING, TRIG POINTING, ORIENTEERING, TREASURE-HUNTING, LETTERBOXING AND WAY MARKING.

RIPARIAN PRESERVE MEANS RIPARIAN PRESERVE AT WATER RANCH, THE RIPARIAN SANCTUARY AT NEELY RANCH AND THE PRESERVE AT SONOQUI WASH.

SPECIAL EVENT AREA HAS THE SAME MEANING AS IN SECTION 15-1 OF THIS CODE.

TOWN RECREATION FACILITY MEANS ANY LANDS, AREAS, BUILDINGS AND FACILITIES THAT ARE OWNED, LEASED OR OTHERWISE CONTROLLED BY THE TOWN FOR RECREATION PURPOSES OPEN TO THE PUBLIC INCLUDING, BUT NOT LIMITED TO: PARKS, ATHLETIC FIELDS, TENNIS COURTS, SWIMMING POOLS, PLAYGROUNDS, RAMADAS, RECREATIONAL TRAILS, RECREATION CENTERS, COMMUNITY CENTERS, SENIOR CENTERS, LIBRARIES, DOG PARKS, AND SKATE PARKS.

TOWN PARK MEANS ELLIOT DISTRICT PARK, CIRCLE G PARK, COSMO DOG PARK, CROSSROADS DISTRICT PARK, DISCOVERY DISTRICT PARK, FREESTONE DISTRICT PARK, FREESTONE SKATE PARK, HETCHLER PARK (SOCCER COMPLEX), JOHN ALLEN PARK, MCQUEEN DISTRICT PARK, NICHOLS PARK, OAK TREE PARK, OLD WEST BASIN, PAGE PARK, SUNVIEW PARK, VAUGHN AVENUE BASIN, VETERANS PARK, VILLA MADEIRA PARK, VILLAGE II PARK, VISTA ALLEGRE PARK, WATER TOWER PLAZA, WESTERN CANAL AMENITIES AND ZANJERO PARK.

Sec. 46-12. Reservation permit; issuing authority.

(a) **WHEN RESERVATION PERMIT REQUIRED.** A reservation permit issued by the ~~community services~~ PARKS AND RECREATION director is required:

(1) Whenever an organized team uses all or a portion of any town ~~parks or~~ recreation facility OR RIPARIAN PRESERVE for a team practice or game. An organized team must obtain a reservation permit from the ~~community services~~ PARKS AND RECREATION director, even if not all members attend the team practice or game. Each organized team ~~must~~ SHALL obtain its own permit, even if sharing use of the same facility. For purposes of this section, an organized team means a team that belongs to a league or other organization that schedules games.

(2) Whenever any person or group wants to reserve or obtain exclusive use of all or any portion of a town ~~parks~~, recreation facility, or riparian preserve for a scheduled time period.

(3) WHENEVER ANY PERSON OR GROUP WANTS TO MOVE ANY LARGE EQUIPMENT IN A PARK, SET UP LARGE INFLATABLE STRUCTURES, DUNK TANKS, TENTS, GENERATORS, CLIMBING WALLS, AMPLIFIED MUSIC EQUIPMENT, PORTABLE RESTROOMS, LIGHTS, OR OTHER EQUIPMENT OR STRUCTURES IN ANY TOWN RECREATION FACILITY.

(b) PERMIT RULES. ~~The community services director~~ PARKS AND RECREATION DIRECTOR is authorized to issue reservation permits and promulgate rules for the regulation of such use. THE SIGNATURE OF AN AUTHORIZED REPRESENTATIVE INDICATES THE REPRESENTATIVE HAS READ THE REGULATIONS APPLICABLE TO THE USE OF THE TOWN RECREATION FACILITIES OR RIPARIAN PRESERVE AND AGREE TO ABIDE BY THOSE REGULATIONS AND ALL APPLICABLE CODES AND ORDINANCES.

(c) PERMIT FEES. ~~The community services~~ PARKS AND RECREATION director shall recommend to the council, after recommendation by the Parks, ~~and Recreation~~ AND LIBRARY SERVICES advisory board, ~~that reservation and permit fees for exclusive use of parks, TOWN recreation facilities, and riparian preserves.~~ The council shall have sole authority to establish permits and fees for ~~parks, TOWN recreational facilities and riparian preserves by resolution.~~

~~(d) — The community services director shall maintain an application form for any request for fee waiver and may authorize waiver of such fees and no cost support services with a maximum annual value of \$1,500.00 per organization if he determines that the use will provide a substantial benefit to town residents. If the request for fee waiver includes a request for no charge additional support services which create a cost for the town in excess of \$1,500.00 for the year, the application shall be reviewed by the special events commission and forwarded to the council for final consideration and approval.~~

(d) SCHOOLS. SCHOOLS ARE REQUIRED TO OBTAIN RESERVATION PERMITS FOR USE OF TOWN RECREATIONAL FACILITIES AND RIPARIAN PRESERVES. FEES MAY BE WAIVED IF PROVIDED IN AN INTERGOVERNMENTAL AGREEMENT WITH THE SCHOOL DISTRICT.

Sec. 46-23. - Posted time limits.

The ~~community services~~ PARKS AND RECREATION director is authorized to post time limits on use of town ~~park~~, recreation facilities, and riparian preserves, and to establish rules for use of such facilities AND RIPARIAN PRESERVES on a first-come, first-served basis. Except as authorized by a reservation permit, it shall be unlawful for a person or group to continue to use a town ~~park~~, recreation facility, or riparian preserve in excess of the posted time limit, whenever:

(a) Someone else has asked to use and is waiting to use that same facility; or

(b) A park ranger or other authorized town employee notifies the person or group that someone else has asked to use and is waiting to use that same facility.

Sec. 46-34. - Interference with reserved use.

- (a) The reservation permit shall describe the reserved area and related amenities that are reserved for the exclusive use of the permittee.
- (b) It shall be unlawful to interfere with a reserved use, except with the consent of the permittee.
- (c) For purposes of this section, the term "interfere" includes but is not limited to the following:
 - (1) Using the reserved area or amenities;
 - (2) Playing ball or frisbee within 50 feet from the reserved area boundary;
 - (3) Congregating a group of ten or more persons within 50 feet from the reserved area boundary for a cumulative period of 15 minutes or longer.

Secs. 46-5—46-30. - Reserved.

Sec. 46-31. – TOWN RECREATION FACILITIES Hours.

It shall be unlawful for any person, other than town personnel conducting town business therein, to occupy or be present in town ~~parks~~ RECREATION FACILITIES during any hours in which the ~~parks~~ TOWN RECREATION FACILITIES are not open to the public. ~~Parks are open to the public from 5:30 a.m. until 10:00 p.m. daily.~~ TOWN RECREATION FACILITIES SHALL BE OPEN TO THE PUBLIC DURING HOURS DESIGNATED BY THE PARKS AND RECREATION DIRECTOR. THE OPENING AND CLOSING HOURS FOR EACH TOWN RECREATION FACILITY SHALL BE POSTED AT SUCH FACILITY. Functions in the town ~~parks~~ RECREATION FACILITY may extend beyond the hours set forth in this section by permit issued by the ~~community-services~~ PARKS AND RECREATION DIRECTOR ~~department~~.

Sec. 46-32. - Closed areas.

- (a) The ~~community-services~~ PARKS AND RECREATION director may temporarily close any part of a town ~~park, recreational~~ RECREATION facility or riparian preserve for performance of routine maintenance or preparation for a reserved use, or when deemed necessary to protect public safety, property or wildlife. Notice shall be posted when an area has been closed. The notice shall reasonably describe the time and period of closure, and area closed.
- (b) It shall be unlawful to enter or stay in any area where a sign has been posted stating that the area is "Closed To The Public" or "Closed For Maintenance" or "Reserved - Do Not Enter."
- (c) It shall be unlawful to remove or tamper with any sign or notice posted designating areas as "Closed To The Public," "Closed For Maintenance" or "Reserved - Do Not Enter."

(d) The provisions of sectionS 46-31(b) and (c) shall not apply to any town employee, contractor or other person performing work authorized by the ~~community services~~ PARKS AND RECREATION director.

Sec. 46-33. - Damaging property; tampering with facilities.

No person shall damage or wastefully or improperly use the toilet, water and sewer facilities or willfully destroy or deface any object in any town ~~park~~, recreational facility, or riparian preserve. No person or person who has custody of an animal shall cause or permit the animal to cause damage to any town property including but not limited to trees, shrubs, plants, turf and landscaping. No person shall cause the lighting facilities or electrical appliances to be turned on or used without written permission of the official designated by the PARKS AND RECREATION director.

Sec. 46-34. - Trespass.

It shall be unlawful for a person to remain in or return to a town ~~park~~, recreational facility, or riparian preserve after a reasonable request by a park ranger or other authorized town employee to leave.

Sec. 46-35. - Unreasonable noise.

It shall be unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive or offensive noise, which disturbs the peace or quiet of any town ~~park, recreational~~ RECREATION facility, or riparian preserve or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area after a reasonable request by a park ranger or other authorized town employee to stop making the offensive noise.

Sec. 46-36. - Golfing.

No person shall use any portion of any town ~~park, recreation area~~ FACILITY, ~~or riparian preserve~~ for golfing purposes or make use of any golf club or golf ball in any town ~~park, or recreation area~~ FACILITY, except at places designated by the ~~community services~~ PARKS AND RECREATION DIRECTOR ~~department~~.

Sec. 46-37. - Glass containers.

(a) It shall be unlawful for any person to have a glass container in his possession in any town ~~park~~ RECREATION FACILITY or riparian preserve unless specifically authorized by the town.

(b) It shall be unlawful for any person to throw, toss or otherwise propel or either willfully and maliciously or carelessly and negligently break any glass object in a town ~~park, recreational~~ RECEPTION facility or riparian preserve.

* * *

Sec. 46-38. ~~Consumption of a~~ Alcoholic beverages.

(a) No person shall POSSESS OR consume alcoholic beverages, ~~spirituous liquors or malt beverages~~ (~~beer~~) within the town ~~parks and recreation facilities or RIPARIAN PRESERVES in any other portion of a town park or recreational area~~, except AS SET FORTH BELOW:

(1) in ~~Rodeo Park~~, McQueen Park Activity Center, GILBERT COMMUNITY CENTER, SOUTHEAST REGIONAL LIBRARY, FREESTONE RECREATION CENTER, SPECIAL EVENT AREAS, and designated facilities located in THE BIG LEAGUE DREAMS SPORTS COMPLEX IN ELLIOT PARK ~~Elliot Road District Park~~, THE POLAR ICE FACILITY IN Crossroads District Park, THE RIPARIAN PRESERVE and ~~Poco Verde~~ VETERAN'S Park. ALCOHOLIC BEVERAGES MAY BE CONSUMED IN ACCORDANCE WITH ANY AGREEMENT BETWEEN THE TOWN AND A CONCESSIONAIRE, CONTRACTOR, LICENSEE OR LESSEE IN ACCORDANCE WITH STATE LAWS AND LIQUOR LICENSE FOR SUCH FACILITY.

~~(b) Consumption of wine and malt beverages shall be permitted in Rodeo Park. Consumption of all forms of alcoholic beverages shall be permitted in Rodeo Park if sold on these premises in conjunction with a state special events liquor license.~~

(2e) Consumption AND SALE of all forms of alcoholic beverages shall be permitted at McQueen Park Activity Center, the GILBERT COMMUNITY CENTER, FREESTONE RECREATION CENTER, and SOUTHEAST REGIONAL LIBRARY, THE RIPARIAN PRESERVE AND SPECIAL EVENT AREAS if SUCH ALCOHOLIC BEVERAGES ARE sold or provided on the premises in conjunction with a state special event liquor license, A SPECIAL EVENT PERMIT or an event authorized by the town council.

a. All requests for permission shall be submitted to the town council for approval.

b. The parks and recreation department shall adopt rules and regulations which they determine are necessary to implement and administer this section.

~~(d) Consumption of all forms of alcoholic beverages shall be permitted at Elliot Road District Park, Crossroads Park and Veteran's Park in facilities designated in the operating agreements between the town and the concessionaire as such agreements may be amended from time to time, and in accordance with state law regarding the type of license appropriate for the facility.~~

Sec. 46-39. - Driving or riding vehicles and animals; parking.

(a) No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter, all-terrain vehicle (ATV), other motor vehicle, horse or other animal upon the grounds of any town ~~park, playground~~ RECREATION FACILITY or riparian preserve except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the ~~official designated by the community services~~ PARKS AND RECREATION director. This prohibition shall not apply to town-owned vehicles OR VEHICLES PROVIDING CONTRACTED SERVICES FOR THE TOWN.

(b) Unless a different special limit is posted, a maximum speed of 15 miles per hour shall be in effect at all times in the parking lots and streets running through such premises.

(c) Parking shall be allowed only in designated areas. Overnight parking shall be allowed only with the express written permission of the ~~official designated by the community services~~ PARKS AND

RECREATION director.

(d) Horses shall be allowed only on specific equestrian areas and bridle paths, where designated.

Sec. 46-40. - Nonmotorized vehicles; roller skates; skateboards; roller blades.

No person shall operate skateboards, roller blades, roller skates, bicycles, scooters or any rolling vehicles in a town park or riparian preserve where such activity is specifically prohibited by appropriate posting; OR ON ANY BRICKWORK, ORNAMENTAL SURFACE, PICNIC TABLE, BENCH, PLAYGROUND EQUIPMENT, FOUNTAIN AREA, PLANTER, OR SCULPTURE; or in an unsafe manner so as to infringe upon the safety of themselves or others. All bicycle operations are subject to the provisions of chapter 62, article IV of this Code.

Sec. 46-41. - Sale of goods (concessions).

It is unlawful to sell food, beverages or other items in town ~~parks, recreational~~ RECREATION facilities; and riparian preserves, AND ALL ADJACENT SIDEWALKS except pursuant to a permit issued by the ~~community-services~~ PARKS AND RECREATION director or as approved by town council.

Sec. 46-42. – CONTROL OF Animals; ABANDONMENT.

(a) All animals must be under the custody and control of a responsible adult and must be on a leash not to exceed six feet at all times when ~~on~~ IN A town ~~park-property~~ RECREATION FACILITY or in a riparian preserve except when participating in a program authorized by the town or in designated off leash areas. Animal owners are responsible for cleaning up and properly disposing of their animal's excrement.

(b) NO PERSON SHALL RELEASE A BIRD, ANIMAL OR REPTILE IN A TOWN PARK OR RIPARIAN PRESERVE, EXCEPT WITH WRITTEN PERMISSION OF THE PARKS AND RECREATION DIRECTOR.

(c) EXCEPT FOR SERVICE ANIMALS, DOGS ARE NOT ALLOWED IN RECREATIONAL FACILITIES, ON SPORTS FIELDS, OR WHERE DOGS ARE PROHIBITED BY WRITTEN POSTED NOTICE UNLESS PERSON HAS WITH WRITTEN PERMISSION OF THE PARKS AND RECREATION DIRECTOR

Sec. 46-43. - Prohibited activities.

EXCEPT WHERE SUCH USE IS CONDUCTED BY THE TOWN OR BY OTHERS PURSUANT TO A TOWN ORGANIZED PROGRAM OR PERMIT ISSUED BY THE PARKS AND RECREATION DEPARTMENT, THE FOLLOWING ACTIVITIES ARE PROHIBITED IN TOWN RECREATION FACILITIES AND RIPARIAN PRESERVES:

~~The following activities are prohibited in all town parks, recreational facilities, and riparian preserves:~~

(a) Dangerous act: No person shall commit any act so as to endanger the health and safety of themselves or others.

(b) Weapons: No person shall use archery, firearms, sling shots, rockets, darts, rocks or other projectile

producing devices except as provided in section 46-44

- (c) Facility Water: No person shall use any water source on town owned property for swimming or bathing, animal swimming or bathing except in areas designated for such activities, washing clothes, cleaning fish or other unsanitary activities.
- (d) Ice Blocking/SLIDING: No person shall use ice blocks, cardboard or other material to slide or propel themselves down hills on town owned property.
- (e) Conduct: No person shall engage in abusive, violent or seriously disruptive behavior or use abusive or offensive language or gestures to any person.
- (f) ~~No person shall consume food or beverages or smoke while in a skate park area in a town park.~~
- (g) Littering: No person shall dispose of trash, flyers or other unwanted items in any manner other than depositing them in a designated waste container.
- ~~(h) WILDLIFE: No person shall release a bird, animal or reptile in a town park or riparian preserve, except with written permission of the community services director.~~
- (h) Posting Of Handbills: No person shall place advertising or signs on any tree, building, pole or other structure within a town park, recreational RECREATION facility, or riparian preserve, except with written permission of the community services PARKS AND RECREATION director or approval of the town council.
- (i) CAR WASHING/MAINTENANCE: NO PERSON SHALL CLEAN, WASH, POLISH, CHANGE OIL OR MAKE OTHER THAN EMERGENCY REPAIRS UPON AN AUTOMOBILE, MOTORCYCLE, OR OTHER SELF-DRIVEN.
- (j) SOLICITATION: NO PERSON SHALL SOLICIT, CARRY ON, CONDUCT OR SOLICIT FOR ANY TRADE, OCCUPATION, BUSINESS OR PROFESSION WITHIN A TOWN RECREATION FACILITY OR RIPARIAN PRESERVE, EXCEPT WITH WRITTEN PERMISSION OF THE PARKS AND RECREATION DIRECTOR.
- (k) DISFIGURATION OR REMOVAL OF NATURAL RESOURCES: NO PERSON SHALL DISFIGURE, DISPLACE, REMOVE, OR EXCAVATE, AS APPLICABLE, ANY SOIL, ROCK, STONE, SAND, TREE, SHRUB, CACTUS, PLANT MATERIAL, OR OTHER NATURAL RESOURCE OF ANY DESCRIPTION.
- (l) SMOKING: NO PERSON UNDER THE AGE OF 18 SHALL SMOKE OR POSSESS TOBACCO OR ILLEGAL SUBSTANCES IN ANY AREA OF A TOWN PARK.
- (m) HOT AIR BALLOONS: LAUNCHING OR LANDING A HOT AIR BALLOON OR OTHER AIRCRAFT.
- (n) FIREWORKS: SEE CHAPTER 42-115.
- (o) FIRES: NO PERSON SHALL START OR SUSTAIN A FIRE, EXCEPT FOR THE COMBUSTION OF CHARCOAL IN FIRE PITS, GRILLS, OR OTHER AREAS AS

DESIGNATED AND APPROVED FOR SUCH USE BY THE PARKS AND RECREATION DIRECTOR. NO PERSON SHALL SET FIRE TO THE CONTENTS OF A TRASH CONTAINER, OR PLACE OR BURN GARBAGE IN PARK GRILLS.

- (p) URBAN CAMPING: NO PERSON SHALL CAMP, SET UP LIVING ACCOMMODATIONS OR STORE PERSONAL BELONGINGS EXCEPT IN AREAS SPECIFICALLY FOR SUCH USE, OR SPECIFICALLY AUTHORIZED BY PERMIT.

Sec. 46-44. - Regulations for allowable model rocketry.

- (a) National Association of Rocketry (NAR) safety code is to be observed in launching model rockets in town parks (i.e., engine size and launch site dimension coordination, angle of launch, wind velocity, ignition system, audible countdown, etc.);
- (b) Rocket engines size "E" and larger are banned from launching in town parks;
- (c) Rockets larger than 16 ounces are banned from launching in town parks;
- (d) Rockets must be supervised and launched by persons of a responsible age and attendance at a Gilbert PARKS AND RECREATION department model rocket course or similar safety course is encouraged;
- (e) Size "C" and "D" engines can only be launched in large open areas of the district parks (Freestone, Crossroads, McQueen) with strict adherence to the NAR safety code;
- ~~(f) No rocket launches in neighborhood parks while town sponsored athletic practices, other competitions, or large group gatherings are occurring in the park;~~
- (gf) No rocket launches are allowed in district TOWN parks on or near sports fields while town sponsored, approved athletic practices or competitions, or large group gatherings are occurring in the park; and
- (hg) Children younger than 12 years of age shall be accompanied by a responsible adult when launching model rockets in town parks.
- (ih) No rocket launches are permitted in the town riparian preserves.

SECS. 46-45. – GEOCACHING.

GEOCACHING IS GENERALLY PERMITTED IN TOWN PARKS PROVIDED THAT SUCH USE IS CONSISTENT WITH THE USE RESTRICTIONS AND PROHIBITIONS SET FORTH IN THIS CHAPTER. GEOCACHING ACTIVITIES SHOULD COMPLY WITH THE GUIDELINES PROVIDED AT GEOCACHING.COM AND MUST NOT INTERFERE WITH ACTIVITIES OR EVENTS OCCURRING IN PARKS.

- (a) THE FOLLOWING RULES SHALL BE COMPLIED WITH BY ALL PARTICIPANTS IN GEOCACHING ACTIVITIES:
 - (1) CACHES MUST BE CLEARLY LABELED AND INCLUDE INFORMATION DESCRIBING THE ACTIVITY TO THE UNINTENTIONAL FINDER.
 - (2) CACHES MUST BE PLACED NEAR EXISTING TRAILS AND IN LOCATIONS THAT DO NOT ENCOURAGE EROSION OR TRAIL DAMAGE.
 - (3) CACHES MAY NOT BE BURIED OR LOCATED IN A BODY OF WATER.
 - (4) CACHES MAY NOT BE PLACED IN UTILITY OR IRRIGATION BOXES, IRRIGATION STRUCTURES OR IN PARK BUILDINGS OR STRUCTURES.
 - (5) CACHES MAY NOT BE LOCATED IN HISTORICAL AND ARCHAEOLOGICAL SITES, WITHIN THE RIPARIAN PRESERVE, SPORTS FIELDS, PLAYGROUNDS OR PICNIC AREAS .
 - (6) MODIFICATION OF LANDSCAPE SUCH AS TREES, OTHER LIVING PLANTS, ROCKS AND OTHER GEOGRAPHIC FEATURES IS NOT ALLOWED.
 - (7) ALL SPECIAL USES AND COMPETITIVE EVENTS MUST BE REVIEWED AND APPROVED THROUGH THE PARKS AND RECREATION SPECIAL EVENT PROCESS.
- (b) THE TOWN RESERVES THE RIGHT TO REMOVE ANY GEOCACH IT DEEMS INAPPROPRIATE.

SEC. 46-45 46-46. PROTECTION OF ANIMALS AND WILDLIFE.

- (a) IT IS UNLAWFUL TO HARASS, CHASE, HARM, OR CAPTURE, OR TO SHOOT OR THROW AN OBJECT AT A BIRD, ANIMAL OR REPTILE ON TOWN PARK PROPERTY OR IN A RIPARIAN PRESERVE.
- (b) IT IS UNLAWFUL TO DISTURB OR MOVE BIRD NESTS ON TOWN PROPERTY OR IN THE RIPARIAN PRESERVES.

(c) THIS SECTION SHALL NOT APPLY TO PERSONS PERFORMING WILDLIFE RESCUE, REHABILITATION OR MANAGEMENT OF THE PRESERVES WITH PERMISSION FROM THE PARKS AND RECREATION DIRECTOR OR RIPARIAN INSTITUTE DIRECTOR.

SEC. ~~46-46~~ 46-47. ABUSIVE LANGUAGE OR DISRUPTIVE BEHAVIOR

(a) NO PERSON SHALL USE ABUSIVE, HARASSING, OR VIOLENT LANGUAGE OR ENGAGE IN DISRUPTIVE BEHAVIOR IN THE FREESTONE RECREATION CENTER, MCQUEEN PARK ACTIVITY CENTER, GILBERT COMMUNITY CENTER, PAGE PARK COMMUNITY CENTER (“GILBERT ACTIVITY CENTERS”), SKATE PARK, OR IN THE SOUTHEAST REGIONAL LIBRARY.

(b) NO PERSON SHALL USE ABUSIVE, HARASSING, OR VIOLENT LANGUAGE OR ENGAGE IN DISRUPTIVE BEHAVIOR IN ANY LOCATION IN ANY OUTDOOR AREA IN A TOWN PARK OR RIPARIAN PRESERVE WHERE SUCH LANGUAGE OR BEHAVIOR DISRUPTS ANOTHER PERSON’S PEACEFUL ENJOYMENT OF THE AREA.

Sec. ~~46-45~~48. - Violations.

A violation of this chapter OTHER THAN SECTION 46-47(a) shall constitute a civil offense and any person found responsible for violating this section shall be subject the civil sanctions and habitual offender provisions set forth in section 1-5 of this Code. A VIOLATION OF SECTION 46-43(l) SHALL RESULT IN THE REFERRAL OF THE PERSON UNDER THE AGE OF 18 TO THE TOWN’S PRE-DIVERSION PROGRAM.

Sec. ~~46-46~~49. - Enforcement by park rangers.

The regulations set forth in this article, the Gilbert park AND FACILITY codes of conduct and any other ordinances adopted by the council which are applicable in or to Gilbert parks, FACILITIES and riparian preserves may be enforced by Gilbert park rangers. Gilbert park rangers shall have authority to issue citations or to file civil code infraction complaints for violations of this article and other ordinances. GILBERT PARK RANGERS SHALL ALSO HAVE AUTHORITY TO REFER PERSONS UNDER THE AGE OF 18 WHO VIOLATE SECTION 46-43(l) TO THE TOWN’S PRE-DIVERSION PROGRAM.

SEC. ~~46-49~~50. TEMPORARY SUSPENSION FROM USE.

(a) AUTHORITY TO SUSPEND. FOR A VIOLATION OF SECTION 46-47(a) , THE PARKS AND RECREATION DIRECTOR OR A PARK RANGER MAY SUSPEND A PERSON’S PRIVILEGE TO USE ALL OF SUCH FACILITY AND PROHIBIT SUCH PERSON FROM COMING WITHIN A 75 FOOT RADIUS OF THE EXIT OR ENTRANCE FOR THE FOLLOWING PERIODS:

- (1) FOR A VIOLATION AFTER A WARNING NOTICE HAS BEEN PREVIOUSLY ISSUED, PRIVILEGES SHALL BE IMMEDIATELY SUSPENDED FOR 24 HOURS.

- (2) FOR A VIOLATION OCCURRING WITHIN 180 DAYS AFTER A VIOLATION RESULTING IN A 24 HOUR SUSPENSION, PRIVILEGES SHALL BE SUSPENDED FOR 60 CALENDAR DAYS.
- (3) FOR A VIOLATION OCCURRING WITHIN 180 DAYS AFTER A VIOLATION RESULTING IN A 60 DAY SUSPENSION, PRIVILEGES SHALL BE SUSPENDED FOR 60 CALENDAR DAYS.
- (b) EXCEPTIONS. EVEN IF A PERSON HAS BEEN SUSPENDED FROM THE PREMISES, SUCH PERSON WILL NOT BE ASKED TO LEAVE IF ANY OF THE FOLLOWING CIRCUMSTANCES APPLY:
 - (1) A CHILD UNDER AGE 18 WILL NOT BE INSTRUCTED TO LEAVE THE PREMISES UNTIL AFTER A PARENT OR GUARDIAN IS CONTACTED;
 - (2) ANY PERSON MAY PARTICIPATE IN A PUBLIC MEETING OF THE TOWN BEING CONDUCTED IN A TOWN RECREATION FACILITY;
 - (3) AN APPEAL OF A 60 DAY SUSPENSION HAS BEEN FILED AND NO FINAL DECISION HAS BEEN MADE.
- (c) CLASS/PROGRAM REFUND. AS A RESULT OF A SUSPENSION IF A PERSON IS UNABLE TO ATTEND A TOWN CLASS/ PROGRAM FOR WHICH HE OR SHE IS REGISTERED, THEN THE TOWN WILL ISSUE A PRO-RATED REFUND FOR THE SESSIONS THAT WILL BE MISSED.

SEC. 46-5046-51. NOTICE OF VIOLATION AND SUSPENSION.

- (a) NOTICE. A NOTICE OF A VIOLATION OF 46-47(A) SHALL BE IN WRITING AND WILL BE PROVIDED TO THE PERSON AND, IN THE CASE OF A MINOR, TO THE PARENT OR LEGAL GUARDIAN AS SOON AS REASONABLY PRACTICABLE FOLLOWING THE OCCURRENCE.
- (b) FORM OF NOTICE. THE FORM OF NOTICE SHALL INCLUDE THE FOLLOWING INFORMATION AND SHAL BE IN A FORM APPROVED BY THE PARKS AND RECREATION DIRECTOR:
 - (1) DESCRIPTION OF THE VIOLATION(S) AND DATE(S);
 - (2) WHETHER A WRITTEN WARNING OR SUSPENSION IS BEING ISSUED;
 - (3) SUSPENSION START AND END PERIOD, IF APPLICABLE;

- (4) IF GILBERT IS ISSUING A 24 HOUR SUSPENSION, A STATEMENT THAT THE SUSPENSION IS NOT APPEALABLE.

SEC. 46-52. APPEAL

- (a) A WRITTEN APPEAL OF A 60 DAY SUSPENSION MAY BE FILED WITH THE PARKS AND RECREATION DIRECTOR WITHIN 5 CALENDAR DAYS FROM RECEIPT OF THE NOTICE WITH THE PARKS AND RECREATION DIRECTOR. UPON THE DIRECTOR'S RECEIPT OF AN APPEAL, THE SUSPENSION WILL BE LIFTED PENDING A FINAL DECISION ON THE APPEAL. A
- (b) THE HEARING WILL BE HELD BY THE DIRECTOR. THE HEARING MAY BE HELD IN PERSON OR BY TELEPHONE FOLLOWING NOTICE, WHICH MAY BE TELEPHONIC.
- (c) WITHIN 10 DAYS AFTER THE HEARING, THE PARKS AND RECREATIONS DIRECTION WILL RENDER A WRITTEN DECISION, WHICH WILL BE SENT TO THE PERSON. SUCH DECISION WILL BE FINAL AND NON-APPEALABLE.

Secs. ~~46-46-52~~53 – 46-60. Reserved.